

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

SHERMAN LAMONT FIELDS §
VS. § CIVIL ACTION NO. 1:25-CV-75
JOHN GILLEY §

MEMORANDUM OPINION REGARDING TRANSFER

Plaintiff Sherman Lamont Fields, a federal inmate, proceeding *pro se*, filed this civil rights action pursuant to *Bivens v. Six Unknown Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971). Plaintiff alleges his constitutional rights were violated while he was confined at the United States Penitentiary Lee (USP Lee) in Jonesville, Virginia.

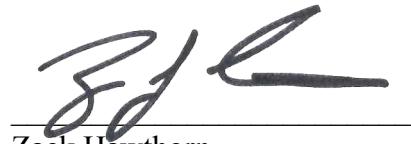
Discussion

When jurisdiction is not founded solely on diversity of citizenship, 28 U.S.C. § 1331 provides that venue is proper in the judicial district where the defendants reside or in which the claim arose. Venue is not proper in the Eastern District of Texas, because Plaintiff alleges that the claims arose in Lee County, Virginia. Under 28 U.S.C. § 1404(a), the district court may transfer a civil action to any other district where it could have been brought for the convenience of parties and witnesses and in the interest of justice. Such a transfer may be done *sua sponte* and is reviewable only for an abuse of discretion. *Mills v. Beech Aircraft Corp.*, 886 F.2d 758, 761 (5th Cir. 1989).

The court has considered the circumstances and has determined that justice would be served by transferring this action to the district where the claims arose. Therefore, it is the opinion of the undersigned that this case should be transferred to the United States District Court for the Western District of Virginia. It is accordingly

ORDERED that this civil rights action is **TRANSFERRED** to the United States District Court for the Western District of Virginia.

SIGNED this 4th day of March, 2025.



Zack Hawthorn
United States Magistrate Judge